

time of taking the deposition, or within ten (10) days after the return thereof, and would be valid were the witness personally present at the hearing.

(e) *Errors and irregularities.* All errors or irregularities occurring shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

(f) *Scope of use.* The deposition of a witness, if relevant, may be used if the Commission finds:

(1) That the witness has died since the deposition was taken; or

(2) that the witness is at a distance greater than 100 miles radius of Washington, DC, the designated field office or the designated place of the hearing; or

(3) that the witness is unable to attend because of other good cause shown.

(g) *Interrogatories and cross-interrogatories.* Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examinations. When a deposition is taken upon interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, such person's representative or attorney, a stenographic reporter and the presiding officer, shall be present at the examination of the witness, which fact shall be certified by such officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

(h) *Fees.* A witness whose deposition is taken pursuant to the regulations in this part, and the officer taking the deposition, shall be entitled to the same fees and mileage allowed and paid for like service in the United States District Court for the district in which the deposition is taken. Such fees shall be paid by the Commission or by the party at whose request the deposition is being taken.

§ 501.6 Documentary evidence.

Documentary evidence may consist of books, records, correspondence or other documents pertinent to any hearing, examination, or investigation within the jurisdiction of the Commission. The application for the issuance of subpoenas duces tecum shall specify the books, records, correspondence or other documents sought. The production of documentary evidence shall not be required at any place other than the witness' place of business. The production of such documents shall not be required at any place if, prior to the return date specified in the subpoena, such person either has furnished the issuer of the subpoena with a properly certified copy of such documents or has entered into a stipulation as to the information contained in such documents.

§ 501.7 Time.

(a) *Computation.* In computing any period of time prescribed or allowed by the regulations, by order of the Commission, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

(b) *Enlargement.* When by the regulations in this chapter or by a notice given thereunder or by order of the Commission an act is required or allowed to be done at or within a specific time, the Commission for good cause shown may, at any time in its discretion (1) with or without motion, notice, or previous order or (2) upon motion, permit the act to be done after the expiration of the specified period.

PART 502—EMPLOYEE RESPONSIBILITIES AND CONDUCT

[52 FR 17559, May 11, 1987, as amended at 52 FR 19731, May 27, 1987]

Sec.

502.1 Adoption of regulations.

§ 502.1

- 502.2 Review of statements of employment and financial interests.
- 502.3 Disciplinary and other remedial action.
- 502.4 Gifts, entertainment, and favors.
- 502.5 Outside employment and other activity.
- 502.6 Specific provisions of agency regulations governing special Government employees.
- 502.7 Statements of employment and financial interests.
- 502.8 Supplementary statements.

AUTHORITY: E.O. 11222 of May 8, 1965, 3 CFR, 1965 Supp., p. 130; 5 CFR 735.101 *et seq.*

SOURCE: 52 FR 17560, May 11, 1987, unless otherwise noted.

§ 502.1 Adoption of regulations.

Pursuant to 5 CFR 735.104(f), the Foreign Claims Settlement Commission of the United States (referred to hereinafter as “the Commission”) hereby adopts the following sections of part 735 of title 5, Code of Federal Regulations: Sections 735.101–102, 735.201a, 735.202 (a), (d), (e), (f) through 735.210, 735.303(a), 735.304, 735.305(a), 735.403(a), 735.404, 735.405, 735.407 through 735.411, 735.412 (b) and (d). These adopted sections are modified and supplemented as set forth in this part.

§ 502.2 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this part shall be reviewed by the Commission’s Designated Ethics Officer. When this review indicates a conflict between the interests of an employee or special Government employee of the Commission and the performance of such employee’s services for the Government, the Designated Ethics Officer shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved, the Designated Ethics Officer shall forward a written report on the indicated conflict to the Chairman of the Commission through the counselor for the agency designated under 5 CFR 735.105(a).

§ 502.3 Disciplinary and other remedial action.

An employee or special Government employee of the Commission who violates any of the regulations in this part or adopted under § 502.1 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

- (a) Changes in assigned duties;
- (b) Divestment by the employee or special Government employee of the employee’s conflicting interest; or
- (c) Disqualification for a particular assignment.

§ 502.4 Gifts, entertainment, and favors.

The Commission authorizes the exceptions to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b) (1) through (4).

§ 502.5 Outside employment and other activity.

An employee of the Commission may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of such employee’s Government employment; *Provided, however,* That no professional officer or employee of the Commission shall engage in the private practice of such officer or employee’s profession, and no officer or employee, regardless of the nature of his or her duties with the Commission, shall engage in the private practice of law, except upon the prior approval in writing by the Chairman of the Commission.

§ 502.6 Specific provisions of agency regulations governing special Government employees.

- (a) Special Government employees of the Commission shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under § 502.1, except 5 CFR 735.203(b).
- (b) Special Government employees of the Commission may teach, lecture, or write in a manner not inconsistent with 5 CFR 735.203(c).

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(c) Pursuant to 5 CFR 735.305(b), the Commission authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by § 502.4.

§ 502.7 Statements of employment and financial interests.

(a) In addition to the employees required to submit statements of employment and financial interests under 5 CFR 735.403(a), attorneys in charge of divisions shall submit statements of employment and financial interests.

(b) Each statement of employment and financial interests required by this section shall be submitted to the Chairman of the Commission.

(c) An employee who believes that his or her position has been improperly included in this section as one requiring the submission of a statement of employment and financial interests may obtain a review thereof under the Commission's grievance procedure.

§ 502.8 Supplementary statements.

Notwithstanding the filing of the annual supplementary statement required by 5 CFR 735.406, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, United States Code, or the regulations in this part or adopted under § 502.1.

PART 503—PUBLIC INFORMATION

Sec.

503.1 Organization and authority—Foreign Claims Settlement Commission.

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AUTHORITY: 5 U.S.C. 552.

SOURCE: 52 FR 17561, May 11, 1987, unless otherwise noted.

§ 503.1 Organization and authority—Foreign Claims Settlement Commission.

(a) The Foreign Claims Settlement Commission of the United States ("the Commission") is an independent agency of the Federal Government created by Reorganization Plan No. 1 of 1954 (68 Stat. 1279) effective July 1, 1954. The Commission was transferred to the Department of Justice as an independent agency within that Department as of October 1, 1980, under the terms of Public Law 96-209, approved March 14, 1980 (94 Stat. 96, 22 U.S.C. 1622c). Its duties and authority are defined in the International Claims Settlement Act of 1949, as amended (64 Stat. 12, 22 U.S.C. 1621-1645o) and the War Claims Act of 1948 (62 Stat. 1240, 50 U.S.C. App. 2001-2017p).

(b) The Commission has jurisdiction to determine claims of United States nationals against foreign governments for compensation for losses and injuries sustained by such nationals, pursuant to programs which may be authorized under either of said Acts. Available funds have their sources in international settlements or liquidation of foreign assets in this country by the Department of Justice or Treasury, and from public funds when provided by the Congress.

(c) The Chairman and the two part-time members of the Commission are appointed by the President with the advice and consent of the Senate to serve for 3-year terms of office as provided by Public Law 96-209, *supra*.

(d) All functions of the Commission are vested in the Chairman with respect to the internal management of the affairs of the Commission, including but not limited to:

(1) The appointment of personnel employed under the Commission;

(2) The direction of employees of the Commission and the supervision of their official duties;

(3) The distribution of business among employees and organizational units under the Commission;

(4) The preparation of budget estimates; and

(5) The use and expenditures of funds of the Commission available for expenses of administration.